

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RICHARD NEWSOM,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0002731

Division of Legal Services and Compliance Case No. 13 RSA 004

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Richard Newsom
2966 North 61st Street
Milwaukee, WI 53210

Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Richard Newsom, (dob December 15, 1954), is certified in the State of Wisconsin as a substance abuse counselor-in-training, having certificate number 15996-130, first issued on March 3, 2010, and current through February 28, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2966 North 61st Street, Milwaukee, Wisconsin 53210.

2. At all times relevant to this proceeding, Respondent was working as a Living Skills Specialist at Genesis Behavioral Health (Genesis), in Milwaukee, Wisconsin.

3. On January 16, 2013, the Department received a misconduct incident report from the State of Wisconsin, Department of Health Services (DHS). According to the DHS report, Respondent was accused of making inappropriate comments and touching the genitalia of a client, Client A. Client A reported the allegations to his probation agent at the Department of Corrections (DOC). Client A stated that Respondent Mr. Newsom touched him while they were alone in an office at Genesis and had made inappropriate comments about his body on two separate occasions.

4. Client A stated that on or about July 25, 2012, he began to attend the Genesis facility. The reason for his attendance was that Client A was ordered by the court to attend AODA counseling as part of his probation.

5. Client A further stated that at some time in August 2012, while playing basketball, Respondent approached Client A at the water fountain and Respondent placed his hand on Client A's abdominals. In addition to placing his hands on Client A's abdominals, Respondent told Client A how nice "they [Client A's abdominals] were" or words to that effect. Client A stated that he told Respondent that this situation made him uncomfortable.

6. Client A stated that at some time in August-September 2012 timeline, Respondent approached Client A and tried to invite him to Respondent's house. In addition to this Client A stated that Respondent said that he wanted to see Client A naked. Client A stated that he reported the incident to the Milwaukee Police Department (MPD).

7. Client A stated that on or about September 2012, Respondent asked Client A to come to his office. According to Client A, Respondent locked the door, walked over to Client A touched him inappropriately by grabbing his crotch. Client A immediately rose from his chair and left the office.

8. As part of their initial assessment to Client A's complaint, the MPD began to conduct an investigation. The investigation revealed that a similar complaint against Respondent was filed by another individual, Client B, on December 2005. The complaint alleged similar sexual misconduct on the part of Respondent. However the investigation of 2005 was closed without a final determination due to Client B's disappearance.

9. According to the records in the 2005 investigation, Client B reported that Respondent on December 19, 2005 called him out of group to talk to him in his office when no one was around. Client B stated that Respondent would say to him, "Just wanted to look at you"; "You're very handsome"; "You have a nice body"; and "I love a man with big arms".

10. Client B also stated of an incident that occurred while he was traveling with Respondent. According to Client B, on or about the week of December 1, 2005, Respondent took Client B to church in the company's vehicle. Client B stated that when they got back into the vehicle, Respondent touched his leg with his hand and stated "your legs are warm."

11. Client B stated that on another occasion, Respondent took Client B to a fast food restaurant to pick up food; again Respondent began to rub Client B's leg and Respondent told him that he looked good. Respondent then took Client B to a dentist office to get some paperwork. After they were done at the dentist office Client B stated that Respondent stopped at

the post office where Respondent began to rub Client B's leg. Client B further stated that Respondent pulled down his own pants and began to rub his penis. Client B stated that he was uncomfortable but he did not want to say anything because he was afraid he might get in trouble with the program.

12. Finally, Client B stated that in another occasion, Respondent touched Client B's penis over his pants. Client B stated that he informed Genesis of Respondent's behavior on December 16, 2005.

13. On March 1, 2013, detectives for MPD found Client B at a DOC facility and conducted a follow up interview with Client B regarding the incidents originally reported by Client B in 2005. Upon being questioned by MPD, Client B recalled the incident at the post office and further stated that Respondent began rubbing his penis and that Respondent stated that "he [Respondent] wanted to suck his [Client B] penis."

CONCLUSIONS OF LAW

1. The Department has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.88, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Richard Newsom committed unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(L) by abusing a patient by a single or repeated act of force, violence, harassment, deprivation, neglect, or mental pressure which reasonably could cause physical pain or injury, mental anguish or fear.

3. By the conduct described in the Findings of Fact, Respondent Richard Newsom committed unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(m) by engaging in inappropriate sexual contact, exposure, gratification or other sexual behavior with or in the presence of a patient.

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the certificate by Richard Newsom, (certificate number 15996-130) to practice as a substance abuse counselor-in-training in the State of Wisconsin and the right to renew that certificate is hereby accepted, effective the date of this Order.

3. In the event that Respondent petitions the Department for re-certification to practice as a substance abuse counselor-in-training in the future, the Department may enter an order denying such application without further notice or hearing. Whether to grant a certificate and whether to impose any limitations or restrictions on any certificate granted shall be in the discretion of the Department.

4. Within ninety (90) days from the date of this Order, Richard Newsom shall pay COSTS of this matter in the amount of \$446.00.

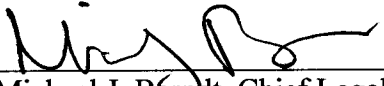
5. Respondent shall mail or physically deliver all indicia of Wisconsin of his credential as a substance abuse counselor-in-training to the Department Monitor at the address below within fourteen (14) days of the effective date of this Order.

6. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. This Order is effective on the date of its signing.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: 

Michael J. Berndt, Chief Legal Counsel
On Behalf of the Department

11/6/13

Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RICHARD NEWSOM,
RESPONDENT.

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:
:

STIPULATION

0002731

Division of Legal Services and Compliance¹ Case No. 13 RSA 004

Respondent, Richard Newsom, and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Department of Safety and Professional Services (Department). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Order, if adopted in the form as attached.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

7. Respondent is informed that should the Department adopt this Stipulation, the Department's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Final Decision and Order.



Richard Newsom, Respondent
2966 North 61st Street
Milwaukee, WI 53210
Certificate no. 15996-130

10-24-13
Date



Micabil Diaz-Martinez, Attorney
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935

OCTOBER 28, 2013
Date